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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,551	03/15/2004	Kirk P. Bumgarner	SP00-038A	9834
22928	7590	07/21/2006	EXAMINER	
CORNING INCORPORATED			LANGDON, EVAN H	
SP-TI-3-1			ART UNIT	
CORNING, NY 14831			PAPER NUMBER	
			3654	

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/800,551		BUMGARNER ET AL.	
	Examiner		Art Unit	
	Evan H. Langdon		3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-49, 52-55, 57 and 58 is/are pending in the application.
- 4a) Of the above claim(s) 52-55, 57 and 58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon et al (US 6,027,062) in view of Isoard (US 4,206,883).

Bacon discloses an apparatus and method of treading a moving length of optical fiber through a component in an optical fiber draw, optical fiber winding or optical fiber testing process, comprising:

activating an aspirator 82 to obtain the optical fiber at a first location and moving the optical fiber via a positioning device 90, 92 in at least two dimensions to move the optical fiber to a second location to thread the optical fiber through a component in the optical fiber draw process.

Bacon fails to teach the positioning device being an aspirator.

Isoard teaches activating an aspirator 13 mounted on a carriage 17, to obtain the fiber at a first location 3, 4 (position I) and moving the fiber to a second location (position II) to thread the fiber through a component 7, 8 in the fiber draw process (Fig. 3, col. 4 line 58 to col. 5 line 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the positioning device of Bacon to include an aspirator to hold the fiber as

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suggested by Isoard, to hold the fiber while transferring and threading the fiber without causing damage to the fiber.

In regards to claim 39, Bacon as modified by Isoard teaches orienting at least a first 21, second 22, and third pulley 23 (Bacon) so that, when the aspirator 13 (Isoard) moves the fiber to the second location, the pulleys are disposed along the length of the fiber and on alternating sides of the desired fiber (Fig. 3, Bacon), and the method further comprises moving the second pulley 22 across the path of the fiber to retain the fiber in contact with the first, second, and third pulleys, thereby causing the fiber to move in a serpentine path (Fig. 4).

In regards to claims 40 and 41, Bacon as modified by Isoard teaches the aspirator 13 (positioning device) is moved to guide the fiber onto at least one guide pulley 42 by the aspirator (positioning device) guiding the fiber between or against a pair of surfaces 41 which are disposed on each side of the guide pulley, the surfaces sloping toward the guide pulley to thereby guide the fiber onto the guide pulley.

In regards to claim 42, the second location is near the spool 68.

In regards to claims 43-45, Bacon as modified by Isoard teaches engaging the fiber at a point between the aspirator and the source of fiber, and winding the engaged fiber onto the spool and is engaged by a snagger tooth located on the spool (Fig. 15C, Bacon).

In regards to claim 46-47, Bacon as modified by Isoard teaches moving the fiber into contact with a capstan 11.

In regards to claim 48, Bacon as modified by Isoard teaches orienting at least a first 21, second 22, and third pulley 23 so that, when the aspirator (positioning device) moves the fiber to the second location, the pulleys are disposed along the length of the fiber and on alternating sides

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of the desired fiber (Fig. 3), and the method further comprises moving the second pulley 22 across the path of the fiber to retain the fiber in contact with the first, second, and third pulleys, thereby causing the fiber to move in a serpentine path (Fig. 4).

In regards to claims 49, Bacon as modified by Isoard teaches the aspirator (positioning device) is moved to guide the fiber onto at least one guide pulley 42 by the aspirator (positioning device) guiding the fiber between or against a pair of surfaces 41 which are disposed on each side of the guide pulley, the surfaces sloping toward the guide pulley to thereby guide the fiber onto the guide pulley.

Response to Arguments

Applicant's arguments with respect to claims 38-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

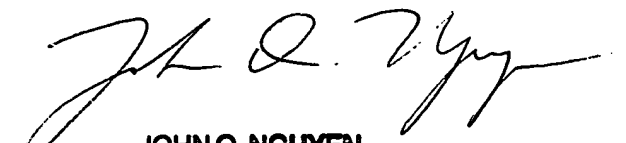
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ehl



JOHN Q. NGUYEN
PRIMARY EXAMINER